

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF WEST VIRGINIA
WHEELING DIVISION**

**MARK McEVOY, JAMES TAWNEY and
SUSAN TAWNEY, SAMUEL STARK,
SUSAN DENNISON, MARK GOFF,
and CAROL DELROSSO and GEORGE
DELROSSO**, individually and on behalf of
a proposed class,

Plaintiffs

v.

CIVIL ACTION NO. 5:22-CV-171

Honorable Judge John P. Bailey

**DIVERSIFIED ENERGY COMPANY, PLC,
DIVERSIFIED GAS & OIL, PLC, DIVERSIFIED
PRODUCTION LLC, DIVERSIFIED GAS & OIL
CORPORATION, DIVERSIFIED OIL AND GAS
LLC, ALLIANCE PETROLEUM CORPORATION,
EQT PRODUCTION COMPANY, EQT
PRODUCTION HTW, LLC, EQT ENERGY LLC,
EQT INVESTMENT HOLDINGS, LLC, EQT
GATHERING, LLC, EQT MIDSTREAM PARTNERS
LP, and EQT CORPORATION,**

Defendants.

**DIVERSIFIED DEFENDANTS' NOTICE OF WITHDRAWAL OF
DIVERSIFIED DEFENDANTS' MOTION TO COMPEL PRODUCTION
OF DOCUMENTS FROM THIRD PARTY OHIO RIVER VALLEY
INSTITUTE AND TED BOETTNER PURSUANT TO
SUBPOENAS DUCES TECA [ECF #188]**

NOW COME defendants Diversified Energy Company PLC, Diversified Gas & Oil, PLC, Diversified Production LLC, Diversified Gas & Oil Corporation, Diversified Oil and Gas LLC, and Alliance Petroleum Corporation (collectively "Diversified Defendants"), by and through their undersigned counsel, Howard M. Persinger III, and Persinger & Persinger, L.C., and Daniel Donovan, P.C., and Kirkland & Ellis LLP, and hereby provide notice that they are withdrawing Diversified Defendants' Motion to Compel Production of Documents From Third Party Ohio River Valley Institute and Ted Boettner Pursuant to

Subpoenas *Duces Teca* (ECF #188) filed on March 21, 2023, **without prejudice** to file another motion to compel as production comes.

Respectfully submitted:

Dated: April 4, 2023

/s/ Howard M. Persinger, III
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Counsel for Defendants Diversified Energy Company PLC, Diversified Gas & Oil, PLC, Diversified Production LLC, Diversified Gas & Oil Corporation, Diversified Oil and Gas LLC, and Alliance Petroleum Corporation

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 4, 2023 a copy of the foregoing was served on all counsel of record via the Court's electronic filing system.

/s/ Howard M. Persinger

Howard M. Persinger, III